

Planning, Building and Code Enforcement 200 East Santa Clara Street San José, CA 95113-1905 tel (408) 535-3555 fax (408) 292-6055 Website: www.sanjoseca.gov/planning

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STATE OF CALIFORNIA) ss.
COUNTY OF SANTA CLAMA
On 1/1/16 before me, 1/2 WCO Notary Public, personally appeared WCO 1/2 Notary Public, personally appeared satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the wifinin instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PBNALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. M. S. LUCIO
WITNESS my hard and official seal. WITNESS my hard and official seal. Witness my hard and official seal. Santa Clara County My Comm. Boxes May 22, 2012 (Seal)
STATE OF CALIFORNIA)) s9.
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On
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(Seal) Notary Public

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Prezoning (File No. C10-010) ("Prezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

- 1. <u>Prezoning Paves the Way for Streamlined Annexation Without Protest.</u> The Prezoning is proposed in conjunction with and is a necessary prerequisite to the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
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- 4. <u>Staff Analysis of Prezoning is Insufficient.</u> Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.
- 5. <u>Environmental Review of Prezoning Violates CEOA</u>. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San Jose' 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 more than 16 years ago and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.
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SIGNATURE(S) OF PROTESTANT (S

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entitly other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

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STATE OF CALIFORNIA COUNTY OF Santa Clara See See See See See See See See See Se
On 35,20() before me, while More Market Public, personally appeared who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PBNALTY OP PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal. Commission # 1733376 Notary Public County My Comm. Expires Acr 20, 2011 Notary Public Seal County My Comm. Expires Acr 20, 2011
STATE OF CALIFORNIA) COUNTY OF Santa Clare) ss.
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Notary Public

DIANE M. JAMES
Commission # 1733376
Notary Public - Colifornia
Santo Clara County
My Comm. Exples Apr 20, 2011

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STATE OF CALIFORNIA COUNTY OF South Clara)) ss.)
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ADDRESSOFPA	OPERTYBEING	34 SA FANO Dr.	
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	<u> 414-0</u>	5-050	
REASONOFPRO	TEST	See Attachment A	<u></u>
I protest the p	roposed rezoning baca	See Attachment A	
		Use separate sheet if necessary	
The property	in which I own an undi	vided interest of at least 51%, and on b	ehalf of which this profess is being inc m ber)
is situated at:	(describe property D	y address and Assessor's Percel Nur	CA 95008
<i> 0<u>5</u></i>	4 SAIETNO	108-020	
ļ <u> </u>	<u> 42N: 70</u>	4 03 - 030	
	<u>·</u>		ente Clara County)
, and is now :	zoned <u>R1-8</u>	pistrict, (in S	anta Ciara Coumy)
		in the property described in the statem	
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SIGNATURE(S) OF PROTESTANT(S

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entitive other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the

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WITNESS my hand and official seal. Notary Public	DON KIM Commission # 1808013 Notary Public - California Santa Clara County My Cognin, Expires Aug 3, 2012
STATE OF CALIFORNIA COUNTY OF)) ss.)
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	(Seal)
Notary Public	

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Prezoning (File No. C10-010) ("Prezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

- 1. <u>Prezoning Paves the Way for Streamlined Annexation Without Protest</u>. The Prezoning is proposed in conjunction with and is a necessary prerequisite to the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
- Prezoning Directly Contradicts City of Campbell and Cambrian 36 Property 2. Owners Requests. The Prezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 – an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning de-annexation), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
- 3. Prezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Prezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

- 4. <u>Staff Analysis of Prezoning is Insufficient</u>. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.
- Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 more than 16 years ago and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.
- 6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



Plenning, Building and Code Enforcement 200 East Santa Clara Street San José, CA 95113-1905 tel (408) 535-3555 fax (408) 292-6055 Website: www.sanjoseca.gov/plenning

	TO I	BE COMPLETED	BY PLANNING	STAFF
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REZONINGFILE	NUMBER	· 		
	TC		TED BY APPLIC	ANT
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ASSESSOR'S P.	ADCEL NUMBER(S)	114-01-0		
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			sheet if necessery	
		vided interest of at	least 51%, and on be	shalf of which this protest is being filed,
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Notary Public		

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Pianning, Butiding and Code Enforcement 200 East Santa Clara Street San José, CA 95113-1905 tel (408) 535-3555 fax (408) 292-6055 Website: www.sanjoseca.gov/planning

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🔯 FeeInt	terest (ownership)					
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SIGNATURE(S): OF PROTESTANT(S)

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PRINTNAME Kathleen King		DAYTIME TELEPHONE#		69-1125
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SIGNATURE(S) OF PROTESTANT(S)

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PRINTNAME EMMA MARGO	5	DAYTIME 4/ TELEPHONE#	871	7028
ADDRESS 1206 SHAMROCK DR	CITY	npbell ^s	TATE CH 9	ZIPCODE
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WITNESS	S my hand and official seal. Jotary Public)	(Seal)	MARIA PEPPER COMM. #1813285 Notary Public - Callfornia Santa Clara County Comm. Expires Sep. 16, 2012
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Use separate sheet if necessary

STATE OF CALIFORNIA)
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protest the propos	sed rezoning because.	See Attack	hment A	·	
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1421	LOIS W	<u>/利〉 (゚</u>	lam P.Bell	CA K	5008
and is now zoned	R1-8		District. (in Santa	Clara County)	
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Leaseh	nold interest which exp	pires on			
Other:	(explain)				
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This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.						
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STATE OF CALIFORNIA)
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	RY under the laws of the State of California that the foregoing
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On before m	ne,, Notary Public, personally appeared, who proved to me on the basis of
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Other	:(explain)		<u> </u>	_ _	

SIGNATURE(S) OF PROTESTANT(S)

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